

REMARKS

This Response is made to the action of 20 December 2007, a Request for Continuing Examination having been filed herewith. Reference is also made to the original Declaration filed with a Supplemental Response filed 2 October 2007 (supplementing Response B filed 13 July 2007) in response to a first office action of 24 April 2007.

Regarding the drawings, replacement drawing sheets are provided herewith to meet all requests of p. 2 of the 20 December 2007 action (replacing a few edited reference numerals).

Claim 1 is replaced with new claim 21 and claim 10 is amended to resolve the objection and 37 U.S.C. § 112 rejection of p. 2 of the 30 December 2007 action. Claims 14 and 15 are cancelled in addition to claims 2, 6 and 7 previously cancelled. Claims 21-27 are added herein. Claims 3, 5, 9 and 16-20 are withdrawn (subject to being amended to depend from one or more of claims 21-28, if allowed or to be made subject(s) of one or more divisional applications as then appropriate). A cover sheet herewith charges fees for claim adjustments to counsel's deposit account.

The action's rejection of (then) claims 1, 4, 8, 10 and 13-16 under 35 U.S.C. § 102(b) is respectfully traversed and should not be repeated against any of claims 2, 4, 8, 10, 13-15 and 21-27 now presented.

Place does not meet the limitations of claims now presented. The claims recite a wire clip, with an aperture form head, elongated substantially parallel legs and orthogonal feet, insertible and rotatable in a small gap (because of the elongated legs). Place has clips (wire in one embodiment) that in all embodiments have the aperture head and feet but not elongated parallel legs therebetween to enable passage through a gap between thick deck or dock members. Aperture head is maximized for spring action and no rotation ability. The kinds of load to be held by Place's clip are hollow body moldings applied to the surfaces of automobile bodies. Place squeezes the heads of the clips to pass through holes and the clips as thus applied are not greater than the holes.

The Further Rule 132 declaration of the inventor now presented, shows at its Exhibit B, pages ("Typical Application of Place's Clip"), and the Place patent disclosure itself is fully in accord, that this reference does not meet all limitations of the present claims. The Place clips are not

designed (in the patent or in real life) as a wire that has an aperture form of head and legs/feet in one plane that can pass between closely spaced deck members and rotate to pull the feet and head orthogonal to a plane of insertion. The Place clip has an aperture form head (11 in the FIG. 1-7 embodiment and 14 in the FIG. 8-10 embodiment) and feet (10, 20 in the Fig. 1-7 embodiment and 26, 27 in the Fig. 8 embodiment) which can pass directly through an opening (e.g. 37 in Fig. 10) and be held by spring release without rotation while the presently described and claimed clip is sized in relation to typical spacings between deck boards (member) so that it must be passed through the gap between in one orientation (parallel to sides of the board) and rotated to an orthogonal position to hold a load applied to the head. The head portion of the Place clips is passed into the opening and in the Fig. 8-10 embodiment, is compressed and held there and is not greater than the opening (gap) it passes into. Moreover the aperture head of Place's first embodiment clips terminate in splayed out feet. There are no intervening legs to pass through narrow gaps of deck or dock boards.

This application presents one of those instances that once a sec. 102 anticipation rejection is overcome, there is no sec. 103 rejection which could or should be applied properly against any claim now presented. In particular, the original declaration presented 2 October 2007 and further declaration now presented show, as to unobviousness under sec. 103, commercial and technical success of the present invention, as well as testimonials from end use customers:

-- Mr. Rattey of W. Kingston, RI, who solved his long standing problems of deck furniture retention with the present invention;

-- Mr. Kaplan of Sayville, N.Y. who solved his long standing pool cover retention problem with the present invention;

-- Ms. Winship of North Bend, WA who reports the present invention passed her "acid test of holding deck furniture and was easy to remove in the Spring";

-- Mr. Volpe (Melville, NY) reporting "works great";

-- other emails reporting the classic 'of course' response to seeing a TV ad for the clip.

All the emailers did purchase the product as did many others. All of the people responded to merits of the product. The present inventor is an individual with limited resources and no significant marketing experience. The invention is now licensed to a strong marketing organization

but much of the success was achieved before the license and the prior success and license itself are due to technical merits of the invention and unique capabilities it provides to users not taught or suggested in any art of record.

A phone interview is requested. Please call Applicant's attorney, collect, at (617) 345-3276 to arrange it. The inventor, Mr. Bishop, will participate. The phone interview can be followed, if necessary, with a visit to the U.S. Patent & Trademark Office and demonstration by counsel and the Applicant/Inventor. Thank you

Claims 4, 8, 10, 13-15 and 21-28 should be allowed and then withdrawn. One or more of Claims 3, 5, 9 and 16-20 should then be amended as to dependency by Examiner's Amendment (after phone discussion with Applicant's attorney) and also allowed.

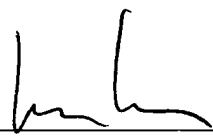
If there are questions, please call Applicant's attorney at (617) 345-3000. If any sums are owed due to claims adjustments, please debit or credit Deposit Account 03-2410. A duplicate copy of this page is enclosed for accounting purposes.

Respectfully submitted,

ROBERT P. BISHOP, Applicant

Dated: March 11, 2008

By:



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Enclosures: Further Declaration, Appendix A, with Exhibits A-D described above

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